

STEPHANIE M. HINDS (CABN 154284)  
 United States Attorney  
 MICHELLE LO (NYRN 4325163)  
 Chief, Civil Division  
 ELIZABETH D. KURLAN (CABN 255869)  
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102-3495  
 Telephone: (415) 436-7298  
 FAX: (415) 436-6748  
 elizabeth.kurlan@usdoj.gov

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

SEYED SHAHRI,	)	CASE NO. 4:22-cv-3366-HSG
	)	
Plaintiff,	)	<b>DEFENDANTS' ADMINISTRATIVE MOTION</b>
	)	<b>FOR ADDITIONAL TIME TO RESPOND TO</b>
v.	)	<b>PLAINTIFF'S AMENDED COMPLAINT;</b>
	)	<b>DECLARATION OF ELIZABETH D.</b>
U.S. EQUAL EMPLOYMENT	)	<b>KURLAN; ORDER (as modified)</b>
OPPORTUNITY COMMISSION, OAKLAND	)	
LOCAL OFFICE, <i>et al.</i> ,	)	
	)	Hon. Haywood S. Gilliam, Jr.
Defendants.	)	

Pursuant to Local Rule 7-11, Defendants, through undersigned counsel, respectfully requests the Court to extend their deadline to respond to the pro se Plaintiff's Amended Complaint, Dkt. No. 13, by twenty-eight days, to November 4, 2022. Defendants make this request because the agency needs additional time to review the legal issues raised in Plaintiff's Amended Complaint (totaling 80 pages), determine their litigation position, and prepare a response to the amended complaint. Additionally, undersigned counsel for Defendants is unable to meet the current response deadline set for October 7, 2022, due to pressing litigation responsibilities in other cases with emergency deadlines. Defendants further request that the Court vacate or continue the case management conference currently scheduled for October 25, 2022.

Defendants state the following in support of their request:

1. On June 8, 2022, Plaintiff filed a Complaint alleging employment discrimination under Title VII of the Civil Rights Act of 1964 and the Administrative Procedure Act, 5 U.S.C. §§ 702, 706. Dkt. No. 1.1

2. On August 8, 2022, Plaintiff filed an Amended Complaint totaling 80 pages. Dkt. No. 13. Attached to the amended complaint are 94 exhibits totaling hundreds of pages.

3. There is good cause for Defendants' first request for a brief extension of time to respond to Plaintiff's Amended Complaint. The agency needs a brief period of additional time to review the legal issues raised in Plaintiff's Amended Complaint and prepare a response. Moreover, Defendant's counsel is unable to meet the current response deadline due to other litigation responsibilities in cases with emergency filings.

4. Defendants further request that the Court vacate or continue the case management conference currently scheduled for October 25, 2022.

5. On October 3 and 4, 2022, Defendants' counsel contacted pro se Plaintiff regarding this request, but has not yet received a response.

For these reasons, and as articulated below in the Declaration of Counsel, Defendants respectfully request that their response deadline to Plaintiff's Amended Complaint be extended to November 4, 2022.

Dated: October 5, 2022

Respectfully submitted,

STEPHANIE M. HINDS  
United States Attorney

s/ Elizabeth D. Kurlan  
ELIZABETH D. KURLAN  
Assistant United States Attorney

Attorneys for Defendants

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<sup>1</sup> Defendants note that Plaintiff Shahri's spouse filed a complaint alleging similar claims in a case that also is pending in this district, *Sayyedalhoseini v. EEOC*, No. 4:22-cv-3367-YGR (N.D. Cal.).

**DECLARATION OF ELIZABETH D. KURLAN**

I, Elizabeth D. Kurlan, declare and state as follows:

1. I am an Assistant United States Attorney in the Northern District of California and counsel of record for the federal Defendants in the above-captioned action.

2. Following Plaintiff's service of the amended complaint, I have been conferring with Defendants about the agency's position and their response to the legal issues raised in the amended complaint. However, the agency has determined that it will need additional time to review the legal issues raised in the amended complaint and prepare a response. Additionally, my pre-scheduled litigation responsibilities in other cases have prevented me from being able to prepare an adequate response by the current due date.

3. On October 3 and 4, 2022, I contacted pro se Plaintiff by email regarding this request. I have not yet received a response.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


DATED: October 5, 2022

s/ Elizabeth D. Kurlan  
ELIZABETH D. KURLAN  
Assistant United States Attorney

**ORDER**

Pursuant to stipulation and good cause appearing, IT IS SO ORDERED. Defendant's response to Plaintiff's Amended Complaint is due by November 4, 2022. The case management conference currently scheduled for October 25, 2022, is hereby vacated.

Date: 10/6/2022

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge